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Attorneys for Defendant  
 TOOTSIE ROLL INDUSTRIES,  
 LLC

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH MAISEL, individually and  
 on behalf of all others similarly situated,

Plaintiff,

v.

TOOTSIE ROLL INDUSTRIES, LLC, and  
 DOES 1 through 10, inclusive,

Defendants.

Case No. 3:20-cv-05204-SK

**DEFENDANT TOOTSIE ROLL  
 INDUSTRIES, LLC'S OBJECTION TO  
 IMPROPER EVIDENCE AND  
 ARGUMENT SUBMITTED BY  
 PLAINTIFF AS "STATEMENT OF  
 RECENT DECISION"**

Date: May 24, 2021  
 Time: 9:30 a.m.  
 Courtroom: C  
 Judge: Hon. Sallie Kim

Complaint filed: May 29, 2020

Pursuant to Northern District Civil Local Rule 7-3(d), defendant Tootsie Roll Industries, LLC objects to the "Statement of Recent Decision" submitted by plaintiff.

Civil Local Rule 7-3(d)(2) provides that in the event of a relevant newly published judicial opinion, a Statement of Recent Decision may be filed. The Statement of Recent Decision must provide a "citation" to the new authority and a copy "without argument." Plaintiff's Statement of Recent Decision however, includes argument and two pages of quotations from the authority brought to the Court's attention, much of which is simply quoting cases issued prior to the date of plaintiff's reply. Accordingly, Tootsie Roll objects and asks that the Court disregard all

1 supplemental argument submitted in her improper submission.

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3 Dated: May 20, 2021

DONAHUE FITZGERALD LLP

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5 By: /s/DAVID M. JOLLEY

6 David M. Jolley  
7 Attorneys for Defendant  
8 TOOTSIE ROLL INDUSTRIES, LLC  
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